

affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 23, 1922, A. G. King and G. E. Mattocks, copartners, trading as the Consolidated Flour Mills Co., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10968. Adulteration and misbranding of flour. U. S. v. 60 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16535. I. S. No. 21805-t. S. No. W-1129.)

On June 30, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Royal Milling Co., Great Falls, Mont., April 28, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sacks) "Royal Milling Co. Bakers Patent Great Falls, Mont. Bleached 98 Lbs. Regal Flour."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 19, 1922, the Royal Milling Co., Great Falls, Mont., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the product be reconditioned and properly labeled, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10969. Adulteration and misbranding of canned clams. U. S. v. 300 Cases and 80 Cases of Clams. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 16443, 16444. I. S. Nos. 14413-t, 14414-t, 14416-t. S. Nos. W-1110, W-1111.)

On June 21, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 300 cases of razor clams and 80 cases of unlabeled clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Grays Harbor Fisheries & Packing Co., Bay City, Wash., June 2, 1922, and transported from the State of Washington into the State of California, and charging adulteration and misbranding, with respect to the former, and adulteration, with respect to the latter, in violation of the Food and Drugs Act, as amended. The razor clams were labeled in part: (Can) "Cluff Brand Fresh Minced Razor Clams Contents 7 Oz. Meat Contents 3½ Oz. \* \* \*."

Adulteration was alleged in the libels with respect to both brands of the article for the reason that water or clam juice had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged with respect to the razor clams for the reason that the statement appearing on the cans containing the said article, "Meat Contents 3½ Oz." was false and misleading and deceived and misled the purchaser, and

for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 18, 1922, the Grays Harbor Fisheries & Packing Co., Bay City, Wash., having entered an appearance as claimant for the property through its agent, Walter C. Zinn, San Francisco, Calif., and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,752.62, in conformity with section 10 of the act, conditioned in part that the said products be made to conform to the provisions of the said act, under the supervision of and to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10970. Adulteration and misbranding of Wood's concentrated sweetener. U. S. v. 1 5-Pound Can of Wood's Concentrated Sweetener. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 13003. I. S. No. 9352-r. S. No. C-2012.)**

On July 10, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 5-pound can of Wood's concentrated sweetener, remaining in the original unbroken package at Gulfport, Miss., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about June 25, 1920, and transported from the State of Missouri into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wood's Special Concentrated Sweetener 500-500 Soluble in Cold Water Not sold as a drug W. B. Wood Mfg. Co., St. Louis, \* \* \*."

Adulteration of the article was alleged in the libel for the reason that saccharin had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it contained an added poisonous and deleterious ingredient, to wit, saccharin, which rendered said article injurious to health.

Misbranding was alleged for the reason that the statement on the label of the can containing the article, as follows, "\* \* \* Special Concentrated Sweetener 500," was false and misleading and deceived and misled the purchaser, in that the said statement represented the article as being 500 times sweeter than sugar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On July 3, 1922, the owner of the product having entered an appearance and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10971. Misbranding of Euca-Mul. U. S. v. 72 Bottles, et al, of Euca-Mul. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14253, 14254, 14255, 14270, 14271, 14272, 14273, 14274. S. Nos. C-2730, C-2731, C-2732, C-2748, C-2749, C-2750, C-2751.)**

On January 27 and 31, 1921, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25½ dozen large bottles and 116½ dozen small bottles of Euca-Mul, remaining unsold in the original unbroken packages, in part at Kansas City and in part at St. Joseph, Mo., alleging that the article had been shipped by Edward G. Binz, Los Angeles, Calif., between the dates of September 1 and December 20, 1920, and transported from the State of California into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Large size bottle) "Euca-Mul Binz \* \* \* Indicated In Croup Bronchitis Bronchial Asthma Tuberculosis Whooping Cough and other throat and lung affections \* \* \* relieves bronchitis and bronchial asthma. Especially effective in cough of phthisis and Whooping Cough. \* \* \* Manf'd by Edw. G. Binz Company \* \* \* Los Angeles, Cal.," (bottle and small size carton) "Gives immediate Relief in \* \* \* Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble \* \* \* excellent for all Chronic Throat and Lung Troubles. It builds up resisting power in patient,